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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

17 In re:

18 MI PUEBLO SAN JOSE, INC.,
19
20 Debtor.

Case No. 13-53893-ASW

Chapter 11

**APPLICATION OF BAR-S FOODS
COMPANY FOR ALLOWANCE
AND PAYMENT OF CHAPTER 11
ADMINISTRATIVE EXPENSE UNDER
BANKRUPTCY CODE §503(B)(9)**

24 1. Bar-S Foods Company ("**Bar-S**"), was a supplier of goods to Mi Pueblo San Jose Inc.
25 ("Debtor") prior to the commencement of Debtor's bankruptcy proceedings.

26 2. On July 22, 2013 (the "**Petition Date**"), Debtor commenced the above-captioned case
27 by filing a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code, 11
28 U.S.C. §§101 *et seq.* (the "**Code**").

1 3. Prior to the Petition Date, Bar-S supplied goods to Debtor on an open account.

2 4. Pursuant to Code §503(b)(9), administrative expenses "shall be allowed" for "the value
3 of any goods received by the debtor within 20 days before the date of commencement of a case under
4 this title in which the goods have been sold to the debtor in the ordinary course of such debtor's
5 business."

6 5. Within 20 days prior to the Petition Date, Debtor received goods from Bar-S, which
7 goods Bar-S sold to Debtor in the ordinary course of Debtor's business, with an aggregate value of
8 \$147,035.52. The invoices supporting the goods delivered to the Debtor and the amounts owed
9 thereunder are attached hereto as Exhibit "A".

10 6. Bar-S has not been paid any of the amounts set forth in Exhibit "A".

11 7. By this Request, and pursuant to Code §503(b)(9), Bar-S seeks allowance of a Chapter
12 11 administrative expense claim in the amount of \$147,035.52, to be paid pursuant to the provisions of
13 the Code and any orders entered by the Court authorizing payment of §503(b)(9) claims.

14 WHEREFORE, Bar-S, asks this Court to enter an Order (A) allowing Bar-S a Chapter 11
15 administrative expense claim in the amount of \$147,035.52; (B) ordering the Debtor to pay such
16 allowed administrative expense immediately as an undisputed claim pursuant to the provisions of the
17 Code and the orders entered by this Court governing distributions, and (C) granting Bar-S such other
18 and further relief as this Court deems appropriate.

19 RESPECTFULLY SUBMITTED this 31 day of July, 2013.

20 Gary B. Elmer, Esq. (Cal. #137885)
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22 402 West Broadway, Suite 400
 San Diego, CA 92101

23 By  /s/ Gary B. Elmer
24 _____

25 and

26 Isaac M. Gabriel, Esq. (*pro hac vice* application pending)
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28 One Renaissance Square
 Two North Central Avenue
 Phoenix, AZ 85004

 Attorneys for Bar-S Foods Company

CERTIFICATE OF SERVICE

STATE OF CALIFORNIA, CITY AND COUNTY OF SAN DIEGO

I am employed in the City and County of San Diego, State of California. I am over the age of 18 and not a party to the within action; my business address is: 402 West Broadway, Suite 400 San Diego, CA 92101.

On July 31, 2013 I served the document described as **APPLICATION OF BAR-S FOODS COMPANY FOR ALLOWANCE AND PAYMENT OF CHAPTER 11 ADMINISTRATIVE EXPENSE UNDER BANKRUPTCY CODE §503(B)(9)** in this action by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid or via the Court's CM/ECF System as indicated below.

Debtor

Mi Pueblo San Jose, Inc.
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San Jose, CA 95156
SANTA CLARA-CA

Attorneys for Debtor

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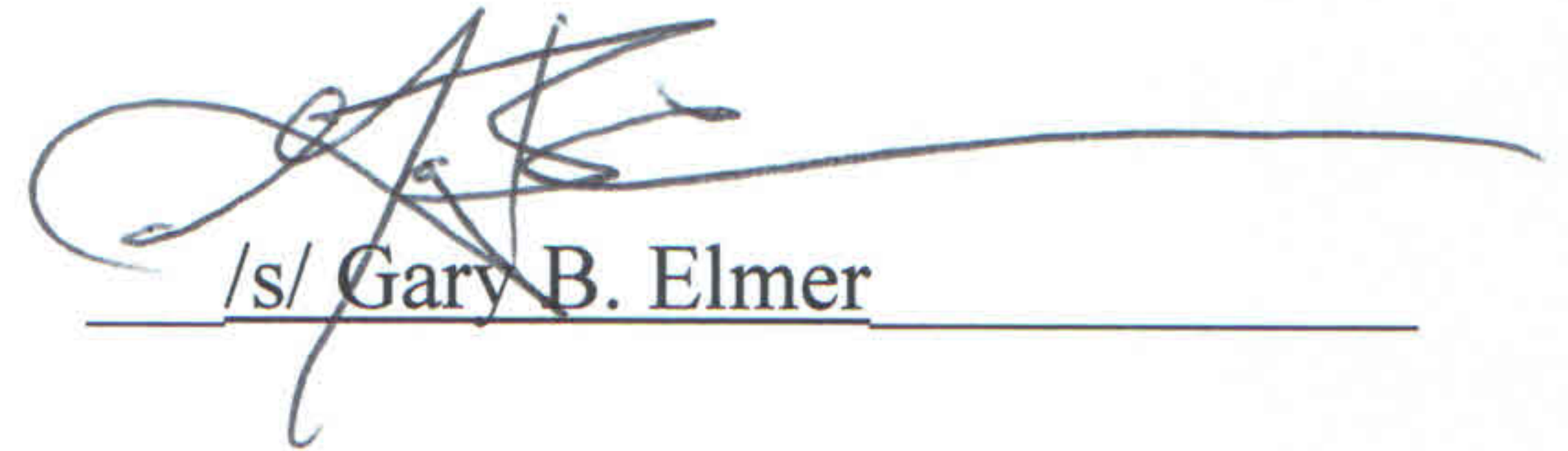
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1 United States Trustee
2 Emily S. Keller, Esq.
3 Office of the United States Trustee
4 280 S. First Street, Suite 268
5 San Jose, CA 95113
6 Email: ustpreion17.sj.ecf@usdoj.gov

7 Executed on July 31, 2013 at San Diego, California.

8 I declare under penalty of perjury under the laws of the State of California and the United States of
9 America that the above is true and correct.

10 
11 /s/ Gary B. Elmer